

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2024 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL DIAZ,

Defendant.

No. 2:24-cr-00374-JFW

I N D I C T M E N T

[18 U.S.C. § 922(g)(1): Felon in Possession of Firearms and Ammunition; 26 U.S.C. § 5861(d): Possession of Unregistered Firearms; 18 U.S.C. § 924(d)(1), 26 U.S.C. § 5872, and 28 U.S.C. § 2461(c): Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 922(g)(1)]

On or about May 5, 2023, in Los Angeles County, within the Central District of California, defendant DANIEL DIAZ knowingly possessed the following firearms and ammunition, in and affecting interstate and foreign commerce:

(1) a Bushmaster (B.F.I.) model XM15-E2S, .223-5.56 caliber rifle, bearing serial number ARB05065;

1 (2) CD Defense model Pak-9, 9mm Luger caliber rifle, bearing
2 serial number RON2024532;

3 (3) 25 rounds of Lake City .223 Remington caliber ammunition;

4 (4) 11 rounds of CCI/Speer or Federal Cartridge Company 9mm
5 Luger caliber ammunition;

6 (5) 6 rounds of Lake City 5.56mm NATO caliber ammunition;

7 (6) 6 rounds of Prvi Partizan 9mm Luger caliber ammunition;

8 (7) 5 rounds of Sellier & Bellot 5.56x45 caliber ammunition.

9 (8) 3 rounds of Poongsan Defense 5.56mm NATO caliber
10 ammunition;

11 (9) 3 rounds of CCI/Speer, Federal Cartridge Company, or Lake
12 City .223 Remington caliber ammunition;

13 (10) 2 rounds of Poongsan Metals Corporation .223 Remington
14 caliber ammunition;

15 (11) 1 round of Hornady .223 Remington caliber ammunition;

16 (12) 1 round of Industrias Tecnos S.A. de C.V. 5.56mm caliber
17 ammunition;

18 (13) 1 round of Tulammo 9mm Luger caliber ammunition; and

19 (14) 1 round of Winchester 9mm Luger caliber ammunition.

20 Defendant DIAZ possessed such firearms and ammunition knowing
21 that he had previously been convicted of at least one of the
22 following felony crimes, each punishable by a term of imprisonment
23 exceeding one year:

24 (1) Possession of a Firearm by a Felon, in violation of
25 California Penal Code Section 29800(a)(1), in the Superior Court for
26 the State of California, County of Los Angeles, case number BA499345,
27 on or about August 4, 2022;

1 (2) Possession for Sale of a Controlled Substance, in violation
2 of California Health and Safety Code Section 11378, in the Superior
3 Court for the State of California, County of Los Angeles, case number
4 VA156309, on or about August 3, 2022;

5 (3) Possession of Contraband in Jail, in violation of
6 California Penal Code Section 4573.6(a), in the Superior Court for
7 the State of California, County of Los Angeles, case number PA090795,
8 on or about May 17, 2018;

9 (4) Driving or Taking a Vehicle without Consent, in violation
10 of California Vehicle Code Section 10851(a), in the Superior Court
11 for the State of California, County of Los Angeles, case number
12 VA146481, on or about January 23, 2018;

13 (5) Possession of a Controlled Substance, in violation of
14 California Health and Safety Code Section 11377(a), in the Superior
15 Court for the State of California, County of Los Angeles, case number
16 VA083061, on or about November 24, 2004; and

17 (6) Driving or Taking a Vehicle without Consent, in violation
18 of California Vehicle Code Section 10851(a), in the Superior Court
19 for the State of California, County of Los Angeles, case number
20 VA081413, on or about March 9, 2004.

COUNT TWO

[26 U.S.C. § 5861(d)]

On or about May 5, 2023, in Los Angeles County, within the Central District of California, defendant DANIEL DIAZ knowingly possessed a firearm, namely, a CD Defense model Pak-9, 9mm Luger caliber rifle, bearing serial number RON2024532, with a barrel of less than 16 inches in length, which defendant DIAZ knew to be a firearm and a short-barreled rifle, as defined in Title 26, United States Code, Sections 5845(a)(3) and 5845(c), and which had not been registered to defendant DIAZ in the National Firearms Registration and Transfer Record, as required by Chapter 53, Title 26, United States Code.

COUNT THREE

[18 U.S.C. § 922(g)(1)]

On or about January 23, 2024, in Los Angeles County, within the Central District of California, defendant DANIEL DIAZ knowingly possessed the following firearms and ammunition, in and affecting interstate and foreign commerce:

(1) a Glock model 19 Gen5 9x19 caliber pistol, bearing serial number BTPC705;

(2) a Glock model 19x 9x19 caliber pistol, bearing serial number BYRV686;

(3) a Smith & Wesson model SD40 VE, .40 caliber pistol, bearing serial number FWV4897

(4) a Ruger model Ruger-57, 5.7x28 caliber pistol, bearing serial number 641-23416; and

(5) a Pioneer Arms Corp. model Hellpup, 7.62x39 caliber rifle, bearing serial number PAC1190131;

(6) 20 rounds of Remington 9mm Luger caliber ammunition;

(7) 12 rounds of Hornady 9mm Luger +P caliber ammunition;

(8) 12 rounds of Prvi Partizan 9mm Luger caliber ammunition;

(9) 7 rounds of Sig Sauer 9mm Luger caliber ammunition;

(10) 7 rounds of Winchester .40 S&W caliber ammunition.

(11) 2 rounds of Winchester 9mm Luger caliber ammunition;

(12) 1 round of ZSR 9mm Luger caliber ammunition; and

(13) 1 round of CCI/Speer or Federal Cartridge Company 9mm Luger caliber ammunition.

Defendant DIAZ possessed such firearms and ammunition knowing that he had previously been convicted of at least one of the

1 following felony crimes, each punishable by a term of imprisonment
2 exceeding one year:

3 (1) Possession of a Firearm by a Felon, in violation of
4 California Penal Code Section 29800(a)(1), in the Superior Court for
5 the State of California, County of Los Angeles, case number BA499345,
6 on or about August 4, 2022;

7 (2) Possession for Sale of a Controlled Substance, in violation
8 of California Health and Safety Code Section 11378, in the Superior
9 Court for the State of California, County of Los Angeles, case number
10 VA156309, on or about August 3, 2022;

11 (3) Possession of Contraband in Jail, in violation of
12 California Penal Code Section 4573.6(a), in the Superior Court for
13 the State of California, County of Los Angeles, case number PA090795,
14 on or about May 17, 2018;

15 (4) Driving or Taking a Vehicle without Consent, in violation
16 of California Vehicle Code Section 10851(a), in the Superior Court
17 for the State of California, County of Los Angeles, case number
18 VA146481, on or about January 23, 2018;

19 (5) Possession of a Controlled Substance, in violation of
20 California Health and Safety Code Section 11377(a), in the Superior
21 Court for the State of California, County of Los Angeles, case number
22 VA083061, on or about November 24, 2004; and

23 (6) Driving or Taking a Vehicle without Consent, in violation
24 of California Vehicle Code Section 10851(a), in the Superior Court
25 for the State of California, County of Los Angeles, case number
26 VA081413, on or about March 9, 2004.

FORFEITURE ALLEGATION ONE

[18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c)]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), in the event of the defendant's conviction of the offenses set forth in either of Counts One and Three of this Indictment.

2. The defendant, if so convicted, shall forfeit to the United States of America the following:

(a) All right, title, and interest in any firearm or ammunition involved in or used in any such offense; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), the defendant, if so convicted, shall forfeit substitute property, up to the value of the property described in the preceding paragraph if, as the result of any act or omission of the defendant, the property described in the preceding paragraph or any portion thereof (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property that cannot be divided without difficulty.

FORFEITURE ALLEGATION TWO

[26 U.S.C. § 5872, and 28 U.S.C. § 2461(c)]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 26, United States Code, Section 5872 and Title 28, United States Code, Section 2461(c), in the event of the defendant's conviction of the offense set forth in Count Three of this Indictment.

2. The defendant, if so convicted, shall forfeit to the United States of America the following:

(a) All right, title, and interest in any firearm involved in any such offense; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), the defendant, if so convicted, shall forfeit substitute property, up to the value of the property described in the preceding paragraph if, as the result of any act or omission of the defendant, the property described in the preceding paragraph or any portion thereof

(a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has

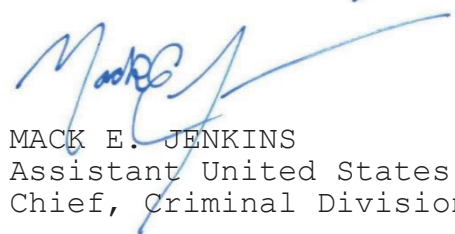
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1 been placed beyond the jurisdiction of the court; (d) has been
2 substantially diminished in value; or (e) has been commingled with
3 other property that cannot be divided without difficulty.

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5
6 A TRUE BILL

7
8 /s/
9 Foreperson

10 E. MARTIN ESTRADA
11 United States Attorney

12 
13 MACK E. JENKINS
14 Assistant United States Attorney
15 Chief, Criminal Division

16 J. MARK CHILDS
17 Assistant United States Attorney
18 Chief, International Narcotics,
19 Money Laundering, and
20 Racketeering Section

21 CHRISTOPHER C. KENDALL
22 Assistant United States Attorney
23 Deputy Chief, International
24 Narcotics, Money Laundering, and
25 Racketeering Section
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